

**Notice of Allowability**

Application No.

10/001,268

Applicant(s)

GAGNON ET AL.

Examiner

Barry Choobin

Art Unit

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/17/2005.
2. ☒ The allowed claim(s) is/are 4,7-9,11-14, 16-22,27-32 (1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/17/05 7/22/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/8/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Maurer on 12/8/05.

The application has been amended as follows: in claim 27, lines 6, 8 and 10, please delete "operable" to \_\_\_ configured\_\_\_.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU JINGGE can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry Choobin  
12/8/05

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 11/17/2005 and 7/23/2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: as to independent claims 1 and 7, the closest prior art of Zeineh fails to disclose a computer implemented method as recited in independent claims 1 and 7. In particular the key distinction between the closest prior art and the instant claimed invention is that the closest prior art does not rely upon combining pixel characteristics for the plurality of images into a corrective filter and applying the corrective filter to the plurality of images, in combination with other elements as requires by the claims.

As to independent claim 11, the closest prior art of Zeineh fails to disclose a computer-implemented method as recited in independent claim 11. In particular the key distinction between the closest prior art and the instant claimed invention is that the closest prior art does not rely upon collecting z location readings for plurality of locations in the capture area indicating a uniform z location with respect to the item at each location; and during capturing, automatically adjusting z location of the microscope according to the z location, in combination with other elements as requires by the independent claim 11.

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As to independent claims 14 and 22, the closest prior art of Zeineh fails to disclose a computer-implemented method as recited in independent claims 14 and 22. In particular the key distinction between the closest prior art and the instant claimed invention is that the closest prior art does not rely upon decompressing the composite image portion of the composite image for a browsing area currently being browsed at a computer; displaying at least portions of the decompressed images; and decompressing composite image portions of the composite image that are outside the browsing area currently being browsed and likely to be next displayed during navigation of the composite image, in combination with other elements as required by independent claims 14 and 22.

As to independent claims 27 and 32, the closest prior art of Zeineh fails to disclose a system as recited in independent claims 27 and 32. In particular the key distinction between the closest prior art and the instant claimed invention is that the closest prior art does not rely upon a decompressed image store for storing decompressed versions of the portions of the composite images; and a video memory cache manager for tracking which of the decompressed versions of the portions of the composite images are currently loaded in video memory, in combination with other elements as required by independent claims 27 and 32.

Accordingly, claims 4, 7-9, 11-14, 16-22, 27-32 are allowed (renumbered as claims 1-21)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **CONTACT INFOAMTION**

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Barry Choobin  
12/5/05